

Application No.: 10/024,908

Docket No.: SUNDS 3.0-127

REMARKS

The present remarks are responsive to the Official Action mailed June 18, 2003, the shortened statutory response period for such Official Action expiring on September 22, 2003, as the Patent and Trademark Office was closed on September 18 and 19 due to adverse weather conditions and September 21 and 22 were a Saturday and Sunday, respectively.

As an initial matter, Applicant wishes to thank Examiner Nguyen for his indication that the papers submitted under 35 U.S.C. § 119(a)-(d) have been received and entered. Applicant trusts that all requirements associated with its claim for foreign priority have now been met.

Applicant also wishes to thank Examiner Nguyen for the courtesies extending during the telephone communication of July 15, 2003. As the Examiner may recall, the Examiner and the undersigned discussed the merits of the Examiner's rejections in an effort to clarify same. At that time, the Examiner stated that claim modifications detailing the structure of the spring loaded feed means of Claim 2 may necessitate a further search, and may not be entered as the present Action is under a Final rejection. Notwithstanding, Applicant has modified the claims herein, and believes that such claims may be acted upon without the need for an additional search as no new matter has been added beyond that provided in the original specification and drawings, from which the "spring loaded feed means" should have found meaning. Consideration and allowance of the new claims is respectively requested.

With regard to the merits of the previously pending claims, the Examiner has set forth two contentions in rejecting the claims; namely, (1) that the springs of Flanigan (US 3,157,109) in fact dampen the bailing wire, and (2) that the slack loop of the present invention is not shown as disengaged from the spring loaded feed means. Applicant has cancelled

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claims 6 and 7 rendering their rejection moot. Applicant has also significantly amended Claim 2 and believes that the patentability of Claim 2 is no longer hinged solely on the spring's ability to dampen the bailing wire. In this regard, Applicant notes that the additional structure of Claim 2 does not represent new matter, but is merely an attempt to more specifically claim the spring loaded means in view of the Examiner's comments concerning same.

As to the Examiner's contention regarding the slack loop's disengagement from the spring loaded feed means, Applicant notes that Claim 2, the only remaining independent claim, has been significantly modified such that the disengagement of the slack loop is no longer associated with the "spring loaded feed means" as such, but is associated with a particular component of the spring loaded feed means, as more fully set forth in the claim. This additional detail is fully supported by the original specification, including the drawings. Accordingly, Applicant has not amended the drawings, as the slack loop disengagement from the "spring loaded feed means," as such, has effectively been cancelled from the claim.

To elaborate, the Examiner will note that in one possible construction, change of direction pulley 26 may be construed as the "at least one guide roller" of Claim 2. The Examiner will further note that in the taut condition, the guide wire 12 is in contact with change of direction pulley 26. However, the guide wire is not in contact with change of direction pulley 26 in the slack condition. Construed in this manner, it is irrelevant whether the guide wire 12 is in contact with change of direction pulleys 25 or 27, during either the slack condition or the taut condition. The limitations added to Claim 2 to identify these relationships are fully supported by the original specification, including the drawing figures. In fact, the Examiner's previous arguments were premised on his

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observation that, in Fig. 2, the guide wire 12 appeared to be in contact with change of directions pulleys 25 and 27, then construed as part of the "spring loaded feed means," when the guide wire 12 was in the slack condition. Applicant believes that the adding of the "at least one" language to Claim 2 more distinctly claims that which Applicant believes is its invention, and should place the claim in a condition for allowance. As each of the remaining claims depends from Claim 2, Applicant believes that they will likewise be found allowable.

In whole, the revised claims reflect the benefits of the invention over the prior art. As stated in the specification, the present invention overcomes the high noise levels associated with the prior art devices. See Specification Paragraph [0002]. In addition, the present invention is much less complex, leading to a reduction in the risk of kinks and tangles in the wire and an overall more reliable device. See *Id.* The simplification of the process also reduces the mechanical stresses on the device. See *id.* Further, the overall construction is greatly simplified and less expensive. Finally, each of these improvements leads to the device's ability to operate at much higher feed rates than devices of the prior art. See *id.*

For example, the *Flanigan* invention incorporates moving components having relatively long spans of travel, such as the rollers 21 which slide along the horizontal rods 19 and travel almost the entire length of the device. This lengthy movement is much more complex than the movement of the present invention, contributing to the increased noise level and the risk of kinks or tangles in the guide wire. The reduced movements of the present invention also contribute to a greater life expectancy for the components of the device, including the motor and gearbox.

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As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 22, 2003

Respectfully submitted,

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